STATE OF ARIZONA FILED

FEB 1 1 2005

**DEPARTMENT OF INSURANCE** 

STATE OF ARIZONA

DEPT OF INSURANCE BY

In the Matter of:	)
TRACI ROSE FORNOFF,	) No. 05A- <u>021</u> - INS
Respondent.	) CONSENT ORDER
respondent.	)

The State of Arizona Department of Insurance ("Department") has received evidence that Traci Rose Fornoff ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

## **FINDINGS OF FACT**

- Respondent is, and was at all material times licensed as a resident life insurance producer, Arizona license number 188318, which license expires November 30, 2006.
- 2. On or about October 29, 2001, the Maricopa County Attorney's Office filed an information and felony complaint Case No. CR2001-09627 [charging Respondent with theft ,class 3 felony] in Superior Court of Arizona, County of Maricopa.
- On or about January 22, 2003, Respondent was found guilty of theft, class 4
   felony, and was sentenced to three years probation. Restitution is pending.
- 4. On or about November 17, 2004, the Respondent applied for a life insurance producer license. In the "Application For an Individual Insurance License, Section VII., question A. asks, "Have you EVER been convicted of a felony? For the purposes of this

application, "convicted" includes, but is not limited to, having ever been found guilty by judge or jury or pled guilty or no contest to any felony charge. A "No" response is incorrect if the applicant has had any conviction dismissed, expunged, pardoned, appealed, set aside or reversed, or had its civil rights restored, had a plea withdrawn or had been given probation, a suspended sentence or a fine, or successfully completed a diversion program." The Respondent answered "No" to this question.

- 5. The "Application For an Individual Insurance License, Section VII., question A. also asks, "Have you EVER had any judgment, order or other determination made against you in any civil, administrative, judicial or quasi-judicial proceeding of any kind in any jurisdiction, including any criminal conviction, based on any of the following:
- 5. Using fraudulent, coercive or dishonest practices in the conduct of business?
- 6. Demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business."

The Respondent answered "No" to this question.

6. On or about December 30, 2004, Respondent's file was referred to a Department investigator. The ADOI investigator contacted Respondent at her home phone of record and Respondent confirmed that she had a felony conviction and that she did not disclose it in her application.

## **CONCLUSIONS OF LAW**

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct as described above constitutes having been convicted of a felony within the meaning of A.R.S.§20-295(A)(6).

- 3. Respondent's conduct as described above constitutes providing incorrect, misleading, incomplete or materially untrue information in the license application within the meaning of A.R.S. §20-295(A)(1).
- 4. Respondent's conduct as described above constitutes obtaining or attempting to obtain a license through misrepresentation or fraud within the meaning of A.R.S. §20-295(A)(3).
- 5. Respondent's conduct as described above constitutes using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere within the meaning of A.R.S. §20-295(A)(8).
- 6. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A), 20-295(F) & 20-295(G).

## ORDER

IT IS HEREBY ORDERED THAT Respondent's license is revoked effective immediately upon entry of this Order.

CHRISTINA URIAS
Director of Insurance

## **CONSENT TO ORDER**

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of her right to notice and a hearing at which she may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives her right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to her to induce her to enter into this Consent Order and that she has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against her and does not preclude any other agency, officer, or subdivision of this state from instituting civil or criminal proceedings as may be appropriate now or in the future.

2/7/05 Date

Traci Rose Fornoff

License Number 188318

1	COPIES of the foregoing mailed/delivered	
2	this <u>llth</u> day of <u>February</u> , 2005, to:	
3	Traci Rose Fornoff 2250 W. Mullberry Dr.	
4	Chandler, AZ 85248	
5	Gerrie L. Marks, Deputy Director Catherine M. O'Neil, Consumer Legal Affairs Officer	
6	Steve Fromholtz, Licensing Arnold Sniegowski, Investigations Supervisor	
7	Mark Denman, Investigator Department of Insurance	
8	2910 North 44 <sup>th</sup> Street, Suite 210 Phoenix, Arizona 85018	
9		
<sup>10</sup> (	Vierney Buston	
11	Curvey Walters Burton	
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